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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,628	09/25/2003	Joseph Bekanich	B6225.0002/P002-A	7321

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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,628	Applicant(s) BEKANICH, JOSEPH	
	Examiner BINH K. TIEU	Art Unit 2614	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-21, 23-34 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-21, 23-34, 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 14-16 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Pat. #: 6,493,547 *as cited in the previous Office Action*) in view of Zicker et al. (US. Pat. #: 5,220,593) or Bufferd et al. (US. Pat. #: 5,706,330).

Regarding claim 1, Raith teaches a wireless communication device, as shown in figure 3, comprising:

a transmitter/receiver capable of transmitting and receiving a plurality of data signals (i.e., RF Transceiver 370);

a microprocessor connected to the transmitter/receiver (i.e., controller 360) and configured to detect a device event (i.e., detecting outgoing call, roaming, call setup, etc. data), and provide monitoring information indicative of the usage of the wireless communication device during the occurrence of the detected device event (paragraph [0026]); and

a display capable of continuously displaying the monitoring information during the device event and after the end of the device event (col.8, lines 59-67).

It should be noticed that Raith fails to clearly teach the feature of the microprocessor is programmed to automatically send information relating to the usage of the wireless communication device to a computer at remote location by wireless transmission at a predetermined time.

Zicker et al. (Hereinafter, "Zicker") teaches a wireless communication device such as cellular mobile radiotelephone (CMR) as credit card paystations that allows caller to make calls using credit cards. Zicker teaches that the CMR further comprises memory for storing billing data as call records including credit card and related call billing parameters, i.e., start time, stop time, dialed number, etc., Zicker further teaches that the billing records are accumulated and automatically uploaded at daily or hourly to a remote computer such as a host computer (see Abstract of the Patent, col.30, lines 25-45; col.32, lines 51-68; col.34, lines 3-39 and also see claim 1 of the Patent, col.35, lines 17-29) for a purpose of billing user for the airtime of calls made at the wireless communication device.

Bufferd et al. (Hereinafter, "Bufferd") teaches a usage monitoring system, as shown in figure 3, comprising a wireless communication device 300 generating call detail records (CDRs) for all billable calls and storing such CDRs in the memory 178 for later retrieval by the microprocessor 118. Bufferd further teaches that, for a purpose of transferring the CDRs stored in the memory 178 to a remote host computer such as collector system 302 having computer 224, the microprocessor calls into the collector system 302. The microprocessor then retrieves all CDRs and transfers them to the host computer at a predetermined period, e.g., 24 hours of non-use (see col.9, lines 50-64; col.10, lines 12-17; col.11, lines 13-25; and dependent claims 6 and 7

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in col.12, lines 46-53) for a purpose of properly billing users for airtime calls made and/or received at the wireless communication device.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teachings of Zicker or Bufferd as stated above, into view of Raith in order to properly billing user for airtime calls made and/or received at the wireless communication device.

Regarding claims 2-3, Raith further teaches limitations of the claims in col.11, lines 10-44.

Regarding claim 14, Raith teaches a method of monitoring usage of a wireless communication device, as shown in figure 3, comprising:

detecting a device event of the wireless communication device (i.e., detecting outing call, roaming, call setup, etc.),

monitoring an available usage of the wireless communication device during the occurrence of the detected device event (paragraph [0026]); and

continuously displaying the available usage of the wireless communication device during the occurrence device event and after the termination of the device event (col.8, lines 59-67).

It should be noticed that Raith fails to clearly teach the feature of the microprocessor is programmed to automatically send information relating to the usage of the wireless communication device to a computer at remote location by wireless transmission at a predetermined time.

Zicker teaches a wireless communication device such as cellular mobile radiotelephone (CMR) as a credit card paystation that allows caller to make calls using credit cards. Zicker

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teaches that the CMR further comprises memory for storing billing data as call records including credit card and related call billing parameters, i.e., start time, stop time, dialed number, etc., Zicker further teaches that the billing records are accumulated and automatically uploaded at daily or hourly to a remote computer such as a host computer (see Abstract of the Patent, col.30, lines 25-45; col.32, lines 51-68; col.34, lines 3-39 and also see claim 1 of the Patent, col.35, lines 17-29) for a purpose of billing user for the airtime of calls made at the wireless communication device.

Bufferd teaches a usage monitoring system, as shown in figure 3, comprising a wireless communication device 300 generating call detail records (CDRs) for all billable calls and storing such CDRs in the memory 178 for later retrieval by the microprocessor 118. Bufferd further teaches that, for a purpose of transferring the CDRs stored in the memory 178 to a remote host computer such as collector system 302 having computer 224, the microprocessor calls into the collector system 302. The microprocessor then retrieves all CDRs and transfers them to the host computer at a predetermined period, e.g., 24 hours of non-use (see col.9, lines 50-64; col.10, lines 12-17; col.11, lines 13-25; and dependent claims 6 and 7 in col.12, lines 46-53) for a purpose of properly billing users for airtime calls made and/or received at the wireless communication device.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teachings of Zicker or Bufferd as stated above, into view of Raith in order to properly billing user for airtime calls made and/or received at the wireless communication device.

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Regarding claims 15-16, Raith further teaches limitations of the claims in col.11, lines 10-44.

Regarding claim 27, Raith teaches a computer readable medium containing a program capable of causing a computer to perform a method of monitoring usage of a wireless communication device, as shown in figure 3, comprising the steps of:

detecting a device event of the wireless communication device (i.e., detecting outgoing call, roaming, call setup, etc.),

monitoring an available usage of the wireless communication device during the occurrence of the detected device event (paragraph [0026]); and

continuously displaying the available usage of the wireless communication device during the occurrence device event and after the termination of the device event (col.8, lines 59-67).

It should be noticed that Raith fails to clearly teach the feature of the microprocessor is programmed to automatically send information relating to the usage of the wireless communication device to a computer at remote location by wireless transmission at a predetermined time.

Zicker teaches a wireless communication device such as cellular mobile radiotelephone (CMR) as a credit card paystation that allows caller to make calls using credit cards. Zicker teaches that the CMR further comprises memory for storing billing data as call records including credit card and related call billing parameters, i.e., start time, stop time, dialed number, etc., Zicker further teaches that the billing records are accumulated and automatically uploaded at daily or hourly to a remote computer such as a host computer (see Abstract of the Patent, col.30, lines 25-45; col.32, lines 51-68; col.34, lines 3-39 and also see claim 1 of the Patent, col.35, lines

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17-29) for a purpose of billing user for the airtime of calls made at the wireless communication device.

Bufferd teaches a usage monitoring system, as shown in figure 3, comprising a wireless communication device 300 generating call detail records (CDRs) for all billable calls and storing such CDRs in the memory 178 for later retrieval by the microprocessor 118. Bufferd further teaches that, for a purpose of transferring the CDRs stored in the memory 178 to a remote host computer such as collector system 302 having computer 224, the microprocessor calls into the collector system 302. The microprocessor then retrieves all CDRs and transfers them to the host computer at a predetermined period, e.g., 24 hours of non-use (see col.9, lines 50-64; col.10, lines 12-17; col.11, lines 13-25; and dependent claims 6 and 7 in col.12, lines 46-53) for a purpose of properly billing users for airtime calls made and/or received at the wireless communication device.

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teachings of Zicker or Bufferd as stated above, into view of Raith in order to properly billing user for airtime calls made and/or received at the wireless communication device.

Regarding claims 28-29, Raith further teaches limitations of the claims in col.11, lines 10-44.

3. Claims 4-7, 10-12, 17-19, 23-25, 30-32 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Pat. #: 6,493,547) in view of Zicker et al. (US. Pat. #: 5,220,593) or Bufferd (US Pat. #: 5,706,330), as applied to claims 1, 3, 14-15 and 27-29 above,

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and further in view of Bhogal et al. (Pub. No.: US 2002/0193092 A1 *also cited in the previous Office Action*).

Regarding claim 4, Raith, Zicker and Bufferd, in combination, teaches the controller/microprocessor 360 receiving, providing and instructing to display time usage, historical information and alarms to subscriber. Raith fails to clearly teach the feature of selectively removing or to reset historical information such as remaining time usage, etc. of current billing cycle. However, Bhogal et al. (“Bhogal”) teaches such feature in paragraphs [0026] and [0027].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of feature of selectively removing or reset of historical information, as taught by Bhogal, into view of Raith, Zicker or Bufferd in order to keep track time usage of a new billing cycle.

Regarding claim 5, Bhogal further teaches the features of the claim in paragraphs [0019]-[0021] and [0026]-[0027].

Regarding claim 6, Raith further teaches limitations of the claim in col.10, lines 6-11 and col.11, lines 52-64.

Regarding claim 7, Bhogal further teaches limitations of the claim in paragraph [0028].

Regarding claims 10-11, Raith further teaches limitations of the claim in col.12, lines 1-21.

Regarding claim 12, Bhogal further teaches limitations of the claim in paragraphs [0026]-[0027].

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Regarding claim 17, the limitations of the claim is rejected with the same reasons set forth in rejection of claim 4 above.

Regarding claim 18, Bhogal further teaches the features of the claim in paragraphs [0019]-[0021] and [0026]-[0027].

Regarding claim 19, Raith further teaches limitations of the claim in col.10, lines 6-11 and col.11, lines 52-64.

Regarding claims 23-24, Raith further teaches limitations of the claim in col.12, lines 1-21.

Regarding claim 25, Bhogal further teaches limitations of the claim in paragraphs [0026]-[0027].

Regarding claim 30, the limitations of the claim is rejected with the same reasons set forth in rejection of claim 4 above.

Regarding claim 31, Bhogal further teaches the features of the claim in paragraphs [0019]-[0021] and [0026]-[0027].

Regarding claim 32, Raith further teaches limitations of the claim in col.10, lines 6-11 and col.11, lines 52-64.

Regarding claims 36-37, Raith further teaches limitations of the claim in col.12, lines 1-21.

Regarding claim 38, Bhogal further teaches limitations of the claim in paragraphs [0026]-[0027].

4. Claims 8, 20-21 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Pat. #: 6,493,547) in view of Zicker et al. (US. Pat. #: 5,220,593) or Bufferd

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(US. Pat. #: 5,706,330) and Bhogal et al. (Pub. No.: US 2002/0193092 A1) as applied to claims 1, 5, 7, 14, 18, 27 and 31, and further in view of Campbell (U.S. Pat. #: 6,453,029 *also cited in the previous Office Action*).

Regarding claims 8, 20-21 and 33-34, Raith, Zicker, Bufferd and Bhogal, in combination, further teaches the feature of providing a alarm signal to operator when the time usage exceeded the predetermined threshold. Raith and Bhogal, in combination, fail to clearly teach the feature of providing multiple warnings at different thresholds to operator. However, Campbell teaches such feature in col.5, line 64 – col.6, line 21.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of providing multiple warnings at different thresholds to operator, as taught by Campbell, into view of Raith, Zicker, Bufferd and Bhogal, in order to provide caller with time notification of completing conversation with called party.

5. Claims 13, 26 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raith (U.S. Pat. #: 6,493,547) in view of Zicker et al. (US. Pat. #: 5,220,593) or Bufferd (US. Pat. #: 5,706,330) and Bhogal et al. (Pub. No.: US 2002/0193092 A1) as applied to claims 1, 5, 7, 14, 18, 27 and 31, above, and further in view of Crane (U.S. Pat. #: 6,463,305 also cited in the previous Office Action).

Regarding claims 13, 26 and 39, Raith, Zicker, Bufferd and Bhogal, in combination, teaches all subject matters as claimed above, except for the feature of displaying minutes of

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remaining battery charge. However, Crane teaches such feature in col.5, lines 17-42 for a purpose of monitoring life of cellular phone battery.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the feature of displaying minutes of remaining battery charge, as taught by Crane, into view of Raith, Zicker, Bufferd and Bhogal in order to provide aware of disconnection of a phone call may caused by loss power of battery.

Response to Arguments

6. Applicant's arguments with respect to claims 1-8, 10-21, 23-34 and 36-39 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

Any response to this final action should be mailed to:

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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BINH TIEU
PRIMARY EXAMINER

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Date: June 02, 2006